IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 9853 of 2007(W)

OS.4/1997 of II ADDL.SUB COURT, THRISSUR

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PETITIONER:

SUKU-ALIAS-THARAPPAN, SON OF CHUNGATH JOHNY, KUNNAMKULAM VILLAGE, KUNNAMKULAM DESOM, THALAPALLY TALUK, NOW RESIDING AT KUTTIPUZHA NAGAR, POOTHOLE P.O., THRISSUR.

BY ADV. SRI.BOBY MATHEW
SMT.KAVYA P.PRASAD

RESPONDENTS:

1. ALEYAMMA, WIFE OF CHUNGATH JOHNY, KARAYUR DESOM, PERAKAM AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

2. ALEX-ALIAS-SLEEBA, SON OF CHUNGATH JOHNY, KARAYUR DESOM, PERAKAM AMSOM, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 9853 of 2007 W

JUDGMENT

Petitioner is the plaintiff in O.S.No.4/97 on the file of the II Additional Sub Court, Thrissur. The prayer in this writ petition is to set aside Exhibit P8 order passed by the court below dismissing Exhibit P5 petition. By Exhibit P5 petition, the petitioner sought for expert opinion being obtained on the signatures and the thumb impressions in Document Nos.1930/81 and 326/84 of the Sub Registrar Office, Kunnamkulam.

2. Counsel on both sides submit, when this writ petition came up for hearing, that both the parties want only the properties, which are available for partition, to be partitioned and not any item of property, which has already been disposed of. Counsel for the respondents further submits that in

relation to the properties covered by Document Nos.1930/81 and 326/84 of Sub Registrar Office, Kunnamkulam, the respondents have not advanced any claim at all and that, therefore, the question of obtaining expert opinion with respect to the thumb impression or the signature in those documents do not arise. In view of the said submission, propriety of dismissal of Exhibit P5 petition by the court below does not arise for consideration at all.

This writ petition, in the circumstances, is dismissed.

28th March, 2007 (K.P.Balachandran, Judge)

tkv